

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT
OF PENNSYLVANIA**

LESTER CARTER,)
Plaintiff,) Case No.:
v.)
JEFFERSON CAPITAL)
SYSTEMS, LLC ,) COMPLAINT AND DEMAND
Defendant.) FOR JURY TRIAL
) (Unlawful Debt Collection Practices)

COMPLAINT

LESTER CARTER (“Plaintiff”), by and through his attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against JEFFERSON CAPITAL SYSTEMS, LLC (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692 *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. §1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and 28 U.S.C. §1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business in the Commonwealth of Pennsylvania, and as such, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. §1391 (b)(2).

PARTIES

5. Plaintiff is a natural person residing in Reading, Pennsylvania 19601.

6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §1692a(3).

7. Defendant is a national debt collection company with its corporate headquarters located at 16 McLeland Road, St. Cloud, Minnesota 56303.

8. Defendant collects, and attempts to collect, consumer debts incurred, or alleged to have been incurred, for personal, family or household purposes on behalf of creditors and debt buyers using the U.S. Mail, telephone and/or internet.

9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §1692 a(6), and sought to collect a debt from Plaintiff.

10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

11. Defendant was attempting to collect an alleged consumer debt from Plaintiff.

1 12. Defendant has been contacting Plaintiff regarding a Verizon cell
2 phone debt that was incurred by his ex-wife in 2013 that was for personal, family
3 or household purposes.

4 13. Within the one year period preceding the filing of this Complaint,
5 Defendant placed repeated harassing telephone calls to Plaintiff's cellular
6 telephone.

7 14. Defendant has placed telephone calls to Plaintiff from the phone
8 number (800) 281-2793. The undersigned has confirmed that this phone number
9 belongs to Defendant.

10 15. Plaintiff has repeatedly told Defendant's collectors that he cannot
11 talk to them regarding his ex-wife's debt at work and to stop calling him.

12 16. Defendant heard and acknowledged Plaintiff's request for calls to
13 cease.

14 17. However, Defendant continued to call Plaintiff despite these multiple
15 requests for calls to cease.

16 18. Once Defendant was informed that its calls were unwanted and to
17 stop calling, its continued calls could have served no purpose other than
18 harassment.

19 19. Defendant's calls were also placed at inconvenient times.

20. For example, Defendant has contacted Plaintiff before 8:00 AM local time, after 9:00 PM local time, while Plaintiff was sleeping, and while Plaintiff was at work.

21. Defendant also contacted Plaintiff's current wife in order to locate him on more than one occasion in 2016 despite the fact it had his contact information in its possession.

22. Defendant's actions as described herein were taken with the intent to harass, upset, and coerce payment from Plaintiff.

COUNT I

DEFENDANT VIOLATED § 1692b(3) OF THE FDCPA

23. A debt collector, in communicating with a person other than the consumer for the purpose of acquiring information about the consumer's place of residence, place of employment, or phone numbers, communicated with any such person more than once without request to do so.

24. Here, Defendant contacted Plaintiff's current wife on more than one occasion in 2016 in its attempts to locate the Plaintiff, despite the fact that it had Plaintiff's contact information in its possession.

COUNT II
DEFENDANT VIOLATED §1692c(a)(1) OF THE FDCPA

25. A debt collector violates §1692c(a)(1) of the FDCPA by communicating with the consumer before 8:00 AM and/or after 9:00 PM local time at the consumer's location.

26. In violation of § 1692c(a)(1), Defendant has communicated with the Plaintiff both before 8:00 A.M. and after 9:00 P.M., as well as while he was sleeping and at work, in its attempts to collect a debt that was not incurred by Plaintiff.

COUNT III

DEFENDANT VIOLATED §§1692d and 1692d(5) OF THE FDCPA

27. A debt collector violates §1692d of the FDCPA by engaging in conduct the natural consequence is to harass, oppress, or abuse any person in connection with the collection of a debt.

28. A debt collector violates §1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with the intent to annoy, abuse or harass any person at the called number.

29. Defendant violated §§1692d and 1692d(5) when it placed repeated and harassing telephone calls to Plaintiff's cellular telephone and continued to call after it knew its calls were unwanted.

1
2 WHEREFORE, Plaintiff, LESTER CARTER, respectfully prays for
3 judgment as follows:

4 a. All actual damages suffered by Plaintiff pursuant to 15 U.S.C.
5 §1692 (k)(a)(1);
6
7 b. Statutory damages of \$1,000.00 for the violation of the
8 FDCPA pursuant to 15 U.S.C. §1692 (k)(a)(2)(A);
9
10 c. All reasonable attorneys' fees, witness fees, court costs and
11 other litigation expenses incurred by Plaintiff pursuant to 15 U.S.C.
12 §1693 (k)(a)(3); and
13
14 d. Any other relief deemed appropriate by this Honorable Court.

15
16 **DEMAND FOR JURY TRIAL**

17 PLEASE TAKE NOTICE that Plaintiff, LESTER CARTER, demands a
18 jury trial in this case.
19

20 Respectfully submitted,

21 Dated: July 6, 2016

22 By: /s/ Amy L. Bennecoff Ginsburg
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